

**PLANNING BOARD
RESOLUTION NO. 2014-03**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A VARIANCE TO MAXIMUM BUILDING COVERAGE ON PROPERTY LOCATED AT 825 DUVAL STREET (RE # 00016830-000000; AK # 1017230) IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE – DUVAL STREET OCEANSIDE (HRCC-3) ZONING DISTRICT PURSUANT TO SECTION 122-750(4)A. OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA

WHEREAS, the applicant proposes to erect a new vinyl canopy over an existing outdoor dining area on property located at 825 Duval Street (RE # 00016830-000000; AK # 1017230); and

WHEREAS, the property is currently nonconforming to the maximum building coverage, maximum impervious surface ratio, minimum front setback, minimum side setback and minimum rear setback within the Historic Residential Commercial Core – Duval Street Oceanside (HRCC-3) Zoning District; and


WHEREAS, Section 122-750 of the City of Key West (the “City”) Land Development Regulations (the “LDRs”) provides that the maximum building coverage is 50%; and

WHEREAS, the proposed building coverage is 68.6%; and

WHEREAS, the applicant requests a variance to these proposed non-conformities; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on January 16, 2014; and

WHEREAS, the Planning Board finds that special conditions and circumstances exist which

 Vice- Chairman

 Planning Director

are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variances requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variances granted are the minimum variances that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts are grounds for the issuance of the requested variances; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the

variance application, and by addressing the objections expressed by these neighbors.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. An approval by Resolution of the Key West Planning Board for a variance to allow the construction of a vinyl canopy over an existing outdoor dining area per the attached plans dated April 30, 2013 by Cesar I. Castillo, P.E., on property located at 825 Duval Street (RE # 00016830-000000; AK # 1017230) in the HRCC-3 Zoning District pursuant to Sections 122-750(4)a. of the City of Key West Land Development Regulations with the following conditions:

Conditions required to be completed prior to the issuance of a building permit:

1. The owner shall bring the property into compliance with Planning Board Resolution Nos. 2012-40 and 2012-48, including but not limited to the installation of six shrubs in the "No Parking Area," one simpson stopper tree in the concrete curbed area between parking spaces 3 and 4, and the location of the bicycle parking area between parking spaces 6 and 7.
2. The owner shall obtain a Certificate of Appropriateness for the proposed development.
3. The owner shall submit a scaled site plan prepared by a professional architect or engineer as part of a building permit application for the proposed canopy, and shall indicate the required landscaping and bicycle parking referenced in condition #1 above.

TWL Vice-Chairman
ee Planning Director

Conditions required to be completed prior to a Certificate of Occupancy and/or final inspection:

4. Fireproofing of the canopy material shall be required as approved by the City Fire Marshall and Building Official.

Section 3. It is a condition of these variances that full, complete and final application for all conditions of this approval for any use and occupancy for which these variances are wholly or partly necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to these variances in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate these variances, which variances shall be of no force or effect.

Section 5. These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.


Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal

period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 16th day of January, 2014.

Authenticated by the Chairman of the Planning Board and the Planning Director;

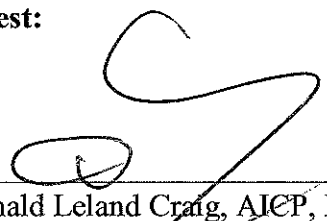


Timothy Root, Planning Board Vice-Chairman

1/17/14

Date

Attest:

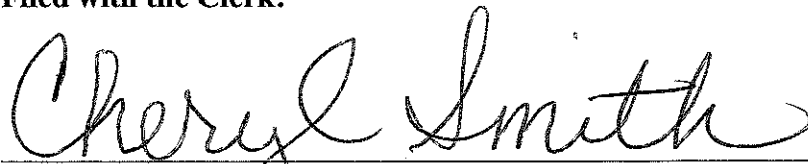


Donald Leland Craig, AICP, Planning Director

1.17.14

Date

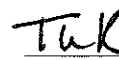

Filed with the Clerk:

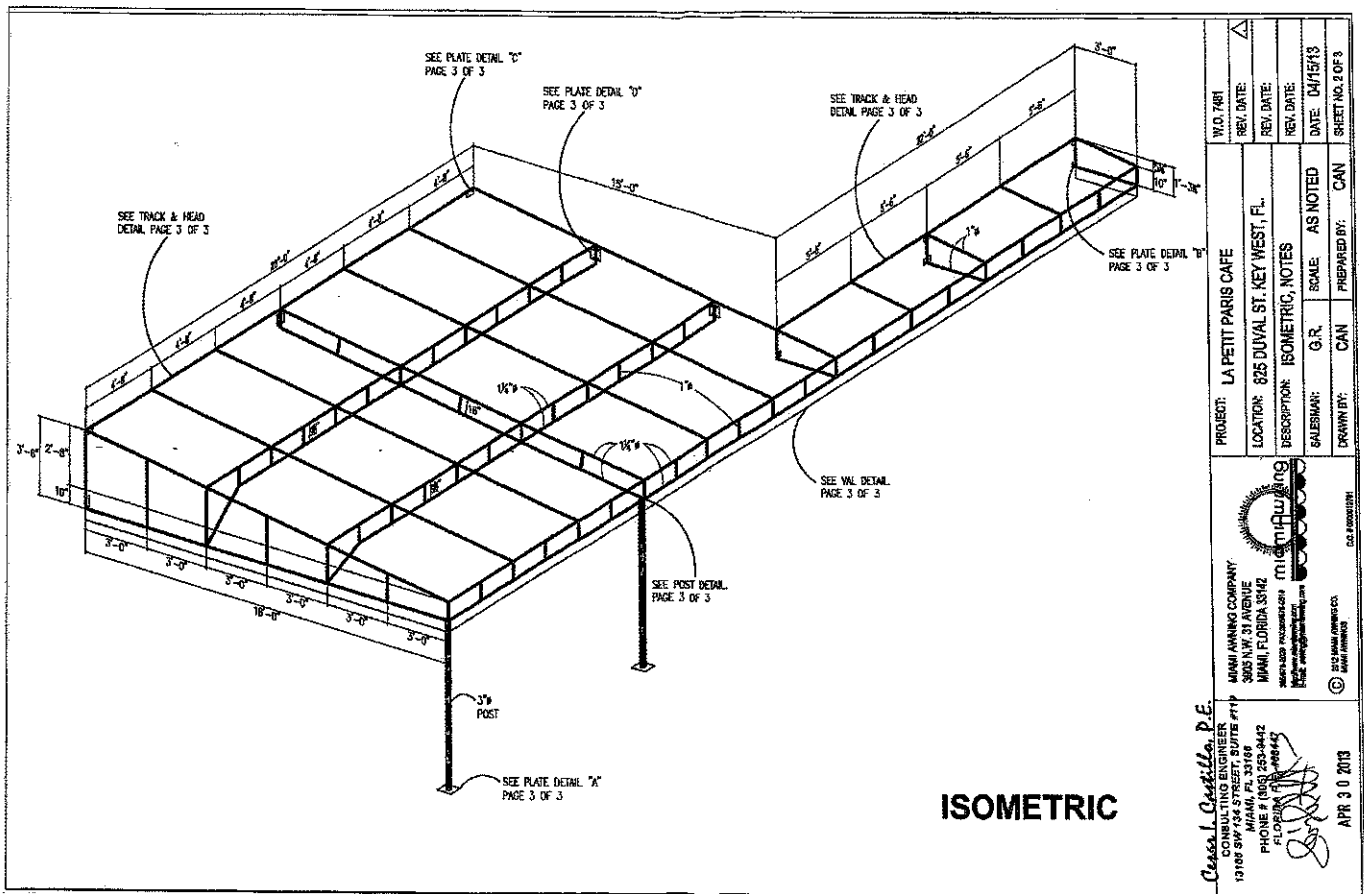


Cheryl Smith, City Clerk

1-17-14

Date

 Vice-Chairman
 Planning Director

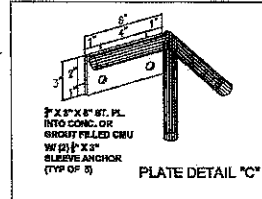
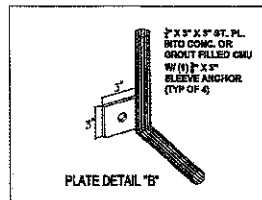
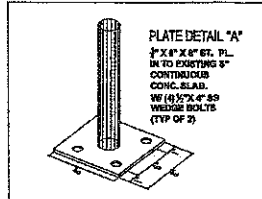
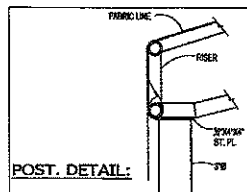
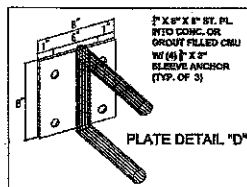
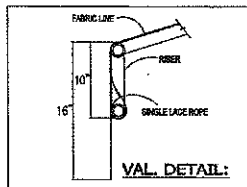
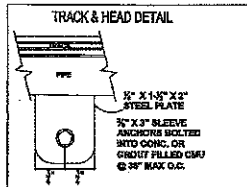


PROJECT: LA PETIT PARIS CAFE		W.D. 7401
LOCATION: 825 DUVAL ST. KEY WEST, FL.		REV. DATE:
DESCRIPTION: ISOMETRIC, NOTES		REV. DATE:
DESIGNED BY: G.R.	SCALE: AS NOTED	REV. DATE:
DRAWN BY: CAN	PREPARED BY: CAN	DATE: 04/15/13
SHEET NO. 2 OF 3		

MICHAEL J. CASTILLO, P.E. CONSULTING ENGINEER 13185 SW 134 STREET, SUITE #111 MIAMI, FLORIDA 33187 PHONE: (305) 253-4442 FAX: (305) 253-4443 www.mjc-engineering.com	MICHAEL J. CASTILLO, P.E. CONSULTING ENGINEER 13185 SW 134 STREET, SUITE #111 MIAMI, FLORIDA 33187 PHONE: (305) 253-4442 FAX: (305) 253-4443 www.mjc-engineering.com
--	--

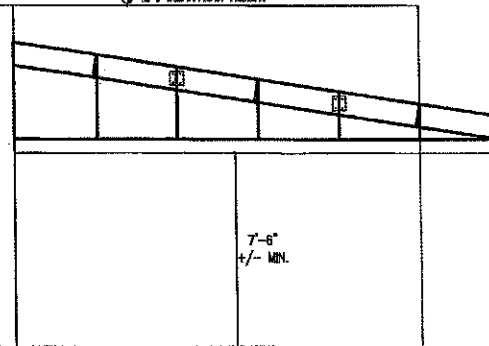
APR 30 2013

TWR
 ac
 11714



- GENERAL NOTES:**
1. ALL STRUCTURAL MEMBERS TO BE AIA SCHEDULE 40 GALVANIZED STEEL PIPE UNLESS OTHERWISE NOTED.
 2. ALL CONNECTIONS TO BE FULLY WELDED.
 3. ALL WELDS COVERED WITH CORROSION RESISTANT COATING.
 4. ALL STRUCTURES DESIGNED IN ACCORDANCE WITH 2010 FLORIDA BUILDING CODE (OR ASCE 7-10) EXPOSURE D, V=95.
 5. NOTIFY ENGINEER OF ANY ERRORS / OMISSIONS FOUND OR IF ANY PART OF THE DRAWINGS IS NOT UNDERSTOOD.
 6. OWNER HAS BEEN NOTIFIED THAT FABRIC AWARINGS WILL REQUIRE REMOVAL OF THE FABRIC WHEN A HURRICANE WARNING IS ISSUED.
 7. FABRIC TO MEET CURRENT WPA-701 FIRE CODE.

12'-0" MEAN ROOF HEIGHT



SIDE VIEW

W.C. 7401	PROJECT: LA PETIT PARIS CAFE	MAKIN WINING COMPANY	C.O. 8 00010101
REV. DATE:	LOCATION: 825 DUVAL ST. KEY WEST, FL.	305 N.W. 31 AVENUE	CONSULTING ENGINEER
REV. DATE:	DESCRIPTION: ISOMETRIC, NOTES	MIAMI, FL 33136	13166 SW 234 STREET, SUITE #119
REV. DATE:	SALESMAN: G.R.	MIAMI, FL 33142	MIAMI, FL 33142
DATE: 04/15/13	SCALE: AS NOTED	PHONE: 305 331-1111	PHONE: 305 331-1111
SHEET NO. 3 OF 3	PREPARED BY: CAN	2013 MAKIN WINING CO.	APR 30 2013

TUR
ac
11714